

1 **Ordinance To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of**
2 **Hampton, Virginia Entitled “Uses Permitted” By Amending Section 3-3 Pertaining to**
3 **Additional Standards For Live Entertainment**

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5 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so
6 require;

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8 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 3, Section 3-3 of
9 the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

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11 **CHAPTER 3 – USES PERMITTED**

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13 **Sec. 3-1. – Uses permitted, in general.**

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17 **Sec. 3-2. – Table of uses permitted.**

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21 **Sec. 3-3. – Additional Standards on uses.**

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23 The following uses have additional standards:

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25 (1) *One-family detached dwelling.*

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27 (22) *Live entertainment 1*, in conjunction with a restaurant *or micro-*
28 *brewery/distillery/winery use, as specified in the Sec.3-2 table of uses*
29 *permitted in the C-1, C-2 RT-1, BB-3, BB-4, BB-5, PH-1, DT-1, DT-2, FM-*
30 *2, FM-3, and FM-4 districts.*

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32 Live entertainment 1 venues are defined as venues *providing live*
33 *entertainment only within the building, without a dance floor or similar*
34 *gathering area, and having performance space of 75 square feet or less.*
35 *Any other live entertainment venue is considered a live entertainment 2*
36 *venue. where capacity is limited to no more than 50 people and subject to*
37 *a live entertainment permit granted by the zoning administrator with the*
38 *following attached conditions:*

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40 *Live entertainment 1 is subject to a live entertainment zoning*
41 *administrator permit with the following attached conditions:*

42 (a) Live entertainment shall be conducted inside the building only;
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- (b) *A floor plan shall be provided and approved showing the arrangement of tables, chairs, and performance area. The layout shall remain in place for live entertainment performances and no dance floor or similar open gathering space shall be permitted*
Performance space shall be no greater than ten (10) percent of the gross floor area. The applicant shall submit a floor plan indicating the location of the proposed performance space;
- (c) The hours of operation for live entertainment shall be specified on the live entertainment permit application and shall not extend past 10:00 p.m. Sunday through Thursday and 11:59 p.m. Friday and Saturday;
- (d) *The live entertainment shall comply with section 22-9 of the City Code, as amended, pertaining to noise.* Any sound or noise from amplified music shall not exceed a noise level measurement of sixty (60) dBA upon the real property of another as determined by a sound level meter using the "A" weighting scale in accordance with the American National Standards Institute;
- (e) Each ingress/egress point in the building shall be monitored by an attendant during the hours of operation, and additional attendants may be required to monitor vehicle parking areas that serve the building and maintain and control patron behavior upon exit of the building into the parking areas;
- (f) *The restaurant or micro-brewery/distillery/winery shall meet the minimum requirements for parking as established in Chapter 11 herein;*
- (g) *The restaurant or micro-brewery/distillery/winery shall maintain compliance with all applicable federal and state laws and requirements of licensing agencies, including but not limited to ABC licensing;*
- (h) The live entertainment permit shall be valid for eighteen (18) months from the date of approval by the zoning administrator. After twelve (12) months of operation, prior to the expiration date, the live entertainment permit will be scheduled for review by the zoning administrator to consider if the continuation of the live entertainment permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to

92 and circulation within the property, off-street parking and
93 loading, hours and manner of operation, noise, light,
94 neighborhood complaints, police service calls, and any
95 violations of any federal, state or local law. If, after review, the
96 zoning administrator determines that the live entertainment
97 permit would not be detrimental to the public health, safety and
98 welfare and that to continue the activities under the live
99 entertainment permit would not cause public inconvenience,
100 annoyance, disturbance or have an undue impact on the
101 community or be incompatible with other uses of land in the
102 zoning district, the zoning administrator may administratively
103 extend the live entertainment permit in five-year increments.
104 Each such extension shall be subject to the same
105 administrative review. If the zoning administrator determines
106 that that the live entertainment permit would be detrimental to
107 the public health, safety and welfare and that to continue the
108 activities under the live entertainment permit would cause public
109 inconvenience, annoyance, disturbance or have an undue
110 impact on the community or be incompatible with other uses of
111 land the zoning district, the zoning administrator will notify the
112 permittee of a denial of the extension in writing in the same
113 manner as required under [chapter 1](#) of the zoning ordinance. A
114 permittee aggrieved by the decision of the zoning administrator
115 may appeal the decision of the zoning administrator to the
116 board of zoning appeals in the manner set forth in [chapter 13](#) of
117 the zoning ordinance. Nothing contained herein shall limit the
118 rights of a permittee to seek a new live entertainment permit;
119 and

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121 (g) The zoning administrator, or appointed designee, shall have the
122 ability to revoke the live entertainment permit upon violations of
123 any of the above conditions.
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125 (23) ~~Reserved. Live entertainment 2, in conjunction with a restaurant use in~~
126 ~~the C-1, C-2, C-3, RT-1, BB-3, BB-4, BB-5, PH-1, DT-1, DT-2, FM-1,~~
127 ~~FM-2, FM-3, and FM-4 districts. or;~~

128 ~~Live entertainment 2, in conjunction with a micro-~~
129 ~~brewery/distillery/winery use in the M-1, M-2, M-3, HRC-1, HRC-2, PH-~~
130 ~~1, DT-1, DT-2, FM-2, FM-3, and FM-4 districts.~~

131 ~~Live entertainment 2 venues are defined as venues with a capacity~~
132 ~~greater than 50 people and subject to obtaining a use permit by city~~
133 ~~council. The city will evaluate each application on a site-by-site basis~~
134 ~~with regard to the surrounding land use patterns and city council may~~
135 ~~impose more restrictive conditions when the proposal is adjacent to~~
136 ~~residential land uses. Conditions shall include, but are not limited to, the~~
137 ~~following:~~

138 ~~(a) Submission of a site plan indicating the location and total area~~
139 ~~of the live entertainment performance space;~~

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~~(b) Hours of operation;~~

~~(c) Any sound or noise from amplified music;~~

~~(d) Staffing for ingress/egress points in the building and vehicle parking areas;~~

~~(e) Term limitation on the use permit, administrative review and extension or denial of use permit.~~